

# **EXHIBIT “A”**

**U.S. District Court**  
**Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF Release 1.5  
(Revision 1.5.3)] (Albany)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-01213-MAD-DJS**

Salamone et al v. Douglas Marine Corporation  
Assigned to: U.S. District Judge Mae A. D'Agostino  
Referred to: Magistrate Judge Daniel J. Stewart  
Demand: \$501,000  
Cause: 28:1332 Diversity-Fraud

Date Filed: 09/30/2019  
Date Terminated: 04/22/2021  
Jury Demand: Both  
Nature of Suit: 370 Other Fraud  
Jurisdiction: Diversity

**Plaintiff****Kenneth E. Salamone**

represented by **Leigh A. Hoffman**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

**Plaintiff****RUFSTR Racing, LLC**

represented by **Leigh A. Hoffman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jason A. Little**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Mediator (Mandatory Program)**

**Esq. William McCarthy**  
TERMINATED: 03/20/2020

represented by **William E. McCarthy**  
Selkirk, NY 12158  
518-429-7514

Email: wemccarthy13@gmail.com  
 TERMINATED: 03/20/2020

V.

**Defendant****Douglas Marine Corporation**represented by **Elliot A. Hallak**

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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/30/2019	<u>1</u>	COMPLAINT against Douglas Marine Corporation (Filing fee \$400 receipt number 4888080) filed by Kenneth E. Salamone, RUFSTR Racing, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet)(sfp, ) (Entered: 09/30/2019)
09/30/2019	<u>2</u>	Summons Issued as to Douglas Marine Corporation. (sfp, ) (Entered: 09/30/2019)
09/30/2019	<u>3</u>	G.O. 25 FILING ORDER ISSUED: Rule 16 Initial Conference set for 12/30/2019 at 09:00 AM in Albany before Magistrate Judge Daniel J. Stewart. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 12/23/2019. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (sfp, ) (Entered: 09/30/2019)
09/30/2019	<u>4</u>	TEXT-ONLY NOTICE REGARDING JUDGE D'AGOSTINO CASE DISPOSITION PILOT - Please refer to the Individual Rules and Practices of the Hon. Mae A. D'Agostino, U.S. District Judge, for guidance regarding the Case Disposition Pilot. <a href="http://www.nynd.uscourts.gov/sites/nynd/files/DAgostino_03142016.pdf">http://www.nynd.uscourts.gov/sites/nynd/files/DAgostino_03142016.pdf</a> . (sfp, ) (Entered: 09/30/2019)
10/18/2019	<u>5</u>	AFFIDAVIT of Service for Summons; Notice; General Order; Civil Case Management Plan; Notice, Consent and Reference of a Civil Action to a Magistrate Judge; Complaint with Exhibits served on Peter Hledin, Boss, of Douglas Marine Corporation on 10/10/19, filed by Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 10/18/2019)
10/18/2019		***Answer due date updated for Douglas Marine Corporation answer due 10/31/2019. (sfp, ) (Entered: 10/18/2019)

10/31/2019	<u>6</u>	NOTICE of Appearance by Elliot A. Hallak on behalf of Douglas Marine Corporation (Hallak, Elliot) (Entered: 10/31/2019)
10/31/2019	<u>7</u>	FRCP 7.1 CORPORATE DISCLOSURE STATEMENT by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 10/31/2019)
10/31/2019	<u>8</u>	Letter Motion from Elliot A. Hallak for Douglas Marine Corporation requesting conference and permission to file a pre-answer motion to dismiss Plaintiffs' Complaint submitted to Judge Mae A. D'Agostino . (Hallak, Elliot) (Entered: 10/31/2019)
11/06/2019		TEXT NOTICE of Teleconference: A Telephone Pre-Motion Conference is set for 11/15/2019 at 10:00 AM before U.S. District Judge Mae A. D'Agostino. The parties are directed to dial in at 1-877-336-1829, Access code 4142594, Security code 1234.(ban) (Entered: 11/06/2019)
11/13/2019	<u>9</u>	Pre-Motion Response to <u>8</u> Letter Motion from Elliot A. Hallak for Douglas Marine Corporation requesting conference and permission to file a pre-answer motion to dismiss Plaintiffs' Complaint submitted to Judge Mae A. D'Agostino . (Attachments: # <u>1</u> Douglas Marine Corporation Contract with RUFSTR Dated 12/31/15, # <u>2</u> Douglas Marine Corporation Contract with RUFSTR Dated 12/7/16)(Hoffman, Leigh) (Entered: 11/13/2019)
11/15/2019		TEXT Minute Entry for Telephone Pre-Motion Conference held on 11/15/2019 before U.S. District Judge Mae A. D'Agostino: Appearances by Leigh Hoffman, Esq. for the Plaintiff; Elliot Hallak, Esq. for the defendant; Judge D'Agostino addresses counsel regarding the pre-motion letter and response; Counsel for the defendants address the Court; Counsel for the Plaintiff addresses the Court - requests discovery - all contracts for NYS customers; Judge D'Agostino directs counsel to meet and confer separately to discuss any jurisdictional issues. After meeting with plaintiff's counsel, if the defense still feels that a motion to dismiss is warranted, the motion should be filed on or before 12/11/19 - The Return date shall be set for January 21, 2020 (ON SUBMIT) before Judge D'Agostino; Responses will be due 1/6/20; And reply papers will be due 1/10/20. The motion will be decided on the submission of the papers only, if filed. No personal appearances will be necessary. If defense counsel decides that a motion to dismiss is not warranted, an answer shall be filed on or before 12/11/19. (Court Reporter Theresa Casal, CRD Britney Norton [Time 10:00 a.m. - 10:18 a.m.]) (ban) (Entered: 11/15/2019)
12/11/2019	<u>10</u>	ANSWER to <u>1</u> Complaint by Douglas Marine Corporation.(Hallak, Elliot) (Entered: 12/11/2019)
12/18/2019	<u>11</u>	TEXT ORDER: The Rule 16 Initial Conference in this matter is RESCHEDULED for January 15, 2020 at 10:00 AM before the undersigned. Counsel are directed to appear IN PERSON at the James T. Foley US Courthouse, 445 Broadway, 4th Floor, Room 409, Albany, NY on the scheduled date and time. Counsel are also directed to submit a proposed Civil Case Management Plan and exchange Mandatory Disclosures on or before January 8, 2020. Pursuant to Local Rule 26.2, Mandatory Disclosures are to be exchanged among the parties but are NOT to be filed with the Court. SO ORDERED by Magistrate Judge Daniel J. Stewart on 12/18/2019. (mab) (Entered: 12/18/2019)
01/08/2020	<u>12</u>	CIVIL CASE MANAGEMENT PLAN by RUFSTR Racing, LLC, Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 01/08/2020)
01/15/2020		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Rule 16 Initial Pretrial Conference held on 1/15/2020. Appearances: Leigh Hoffman, Esq. for Plaintiffs; Elliot Hallak, Esq. for Defendant. The Court hears from counsel as to their positions in this matter and as to how they intend to proceed. The Court discusses the Mandatory Mediation Program. Counsel agree that early Mediation may be beneficial.

		Mandatory Disclosures have been exchanged. Scheduling Order deadlines set. A Pretrial Scheduling Order will be issued. (TIME: 9:47AM-10:06AM). (mab) (Entered: 01/21/2020)
01/21/2020	<u>13</u>	UNIFORM PRETRIAL SCHEDULING ORDER: Anticipated length of trial: 3-4 Days. Preferred Trial Location: Albany, NY. Joinder of Parties due by 3/6/2020. Amended Pleadings due by 3/6/2020. The Court has discussed Mandatory Mediation with the parties and will issue a separate Order referring this action into the Mandatory Mediation Program. The deadline to complete Mandatory Mediation is 3/31/2020. Discovery due by 7/1/2020. Motions to be filed by 8/2/2020. Status Report due by 4/20/2020. Signed by Magistrate Judge Daniel J. Stewart on 1/21/2020. (mab) (Entered: 01/21/2020)
01/21/2020	<u>14</u>	ORDER REFERRING CASE TO MANDATORY MEDIATION PROGRAM: This case is referred to participation in the Mandatory Mediation Program. The parties should refer to General Order #47. The deadline for completion of Mandatory Mediation is 3/31/2020. The deadline for the parties file a Stipulation selecting a Mediator is 2/18/2020. Signed by Magistrate Judge Daniel J. Stewart on 1/21/2020. (mab) (Entered: 01/21/2020)
02/12/2020	<u>15</u>	STIPULATION <i>to Designate Mediator</i> by Kenneth E. Salamone submitted to Judge Daniel J. Stewart. (Hoffman, Leigh) (Entered: 02/12/2020)
02/12/2020	<u>16</u>	NOTICE by Kenneth E. Salamone <i>of Substitution of Attorney</i> (Hoffman, Leigh) (Entered: 02/12/2020)
02/13/2020	<u>17</u>	STIPULATION SELECTING MEDIATOR: IT IS HEREBY STIPULATED AND AGREED that William McCarthy has been selected, contacted and has agreed to serve as Mediator for this action. IT IS FURTHER STIPULATED AND AGREED, that counsel will participate in the mediation session in good faith and confer with the Mediator regarding the scheduling of additional conferences, bearing in mind the deadline for completion of Mediation set forth in the Court's Order Referring the Case to Mediation. Stipulation signed by: Leigh A. Hoffman and Elliot A. Hallak. Dated: February 12, 2020(Hoffman, Leigh) (Entered: 02/13/2020)
03/12/2020	<u>18</u>	JOINT Letter Motion from Elliot A. Hallak for Douglas Marine Corporation requesting the parties be permitted to appear at mediation by videoconference in light of the COVID-19 coronavirus outbreak submitted to Judge Daniel J. Stewart . (Hallak, Elliot) (Entered: 03/12/2020)
03/17/2020	<u>19</u>	TEXT ORDER granting the parties' <u>18</u> Letter Request to appear for the scheduled Mediation by videoconference rather than in person. SO ORDERED by Magistrate Judge Daniel J. Stewart on 3/17/2020. (mab) (Entered: 03/17/2020)
03/20/2020	<u>20</u>	REPORT OF MANDATORY MEDIATION - A Mandatory Mediation session was held on 03/17/202. Total Hours Spent by Mediator: 7.25; The outcome of Mandatory Mediation is: MEDIATION IS COMPLETE. CASE DID NOT SETTLE. The case will proceed toward trial pursuant to the Courts Uniform Pretrial Scheduling Order. (McCarthy, William) (Entered: 03/20/2020)
03/20/2020		<b>ADR COMPLETED - CASE DID NOT SETTLE.</b> Mediator William E. McCarthy terminated.(rjb, ) (Entered: 03/20/2020)
04/09/2020	<u>21</u>	STATUS REPORT by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/09/2020)
04/10/2020	<u>22</u>	TEXT ORDER: The Court is in receipt of the Status Report filed on April 9, 2020 in this matter. Dkt. No. <u>21</u> . Counsel are directed to further advise as to the status of this matter by June 12, 2020. SO ORDERED by Magistrate Judge Daniel J. Stewart on 4/10/2020. (mab) (Entered: 04/10/2020)
04/29/2020	<u>23</u>	Letter Motion from Leigh Hoffman, Esq., Counsel for Plaintiff, Kenneth Salamone for

		Kenneth E. Salamone requesting Permission to File Motion for Partial Summary Judgment submitted to Judge D'Agostino . (Hoffman, Leigh) (Entered: 04/29/2020)
04/30/2020		TEXT NOTICE SETTING TELEPHONE PRE-MOTION CONFERENCE: A Telephone Pre-motion Conference is set for 5/6/2010 at 11:00 AM before U.S. District Judge Mae A. D'Agostino. The parties are directed to dial in at 1-877-336-1829, Access code 4142594, Security code 1234.(ban) (Entered: 04/30/2020)
05/04/2020	<u>24</u>	RESPONSE in Opposition re <u>23</u> Letter Motion from Leigh Hoffman, Esq., Counsel for Plaintiff, Kenneth Salamone for Kenneth E. Salamone requesting Permission to File Motion for Partial Summary Judgment submitted to Judge D'Agostino filed by Douglas Marine Corporation. (Attachments: # <u>1</u> Exhibit(s) A - Picture of boat)(Hallak, Elliot) (Entered: 05/04/2020)
05/04/2020	<u>25</u>	MOTION for Limited Admission Pro Hac Vice of Jeffrey D. Koelzer, Esq. Filing fee \$100, receipt number ANYNDC-5109175. filed by Douglas Marine Corporation. (Attachments: # <u>1</u> Declaration of Sponsor in support of the admission of Jeffrey D. Koelzer, # <u>2</u> New Attorney E-Filing Registration Form for Jeffrey D. Koelzer, # <u>3</u> Petition for Admission of Jeffrey D. Koelzer, # <u>4</u> Certificate of Good Standing, # <u>5</u> Proposed Order/Judgment for Admission) Motions referred to Daniel J. Stewart. (Hallak, Elliot) (Entered: 05/04/2020)
05/06/2020		TEXT Minute Entry for Telephone Pre-Motion Conference held on 5/6/2020 before U.S. District Judge Mae A. D'Agostino: Appearances by Leigh Hoffman, Esq. for the Plaintiff; Elliot Hallak, Esq. for the defendant; Judge D'Agostino addresses counsel regarding the pre-motion letters; Defense counsel addresses the Court in opposition to the filing of the motion for partial summary judgment; Plaintiff's counsel addresses the Court in support of filing their partial motion for summary judgment; Judge D'Agostino will permit plaintiff's counsel to file their motion, if she sees fit. Counsel inform the Court that they intend to proceed with depositions and the scheduling order deadlines as set - Discovery due by 7/1/20; Motions due 8/2/20. (Court Reporter Theresa Casal, CRD Britney Norton [Time 10:58 a.m. - 11:20 a.m.]) (ban) (Entered: 05/06/2020)
05/15/2020		<b>Notice of Filing Deficiency</b> re: <u>25</u> Motion for Limited Admission Pro Hac Vice of Jeffrey D. Koelzer. Pursuant to LR 83.1(d), the sponsor and/or applicant <b>MUST</b> provide the following required documents: Certificate of Good Standing that has been issued by a Court; The corrected documents should be electronically filed with the Court by selecting the 'Supplemental Admission documents' event, which is found under the 'Other Documents' menu. Once all requirements under LR 83.1(d) have been met, the motion will be forwarded to the assigned Magistrate Judge for consideration. (tad, ) (Entered: 05/15/2020)
06/01/2020	<u>26</u>	Supplemental Admission documents re: <u>25</u> Motion for Limited Admission Pro Hac Vice,,,(Hallak, Elliot) (Entered: 06/01/2020)
06/03/2020	<u>27</u>	TEXT ORDER granting <u>25</u> Motion for Limited Admission Pro Hac Vice. Attorney Jeffrey D. Koelzer hereby admitted to practice in this action on behalf of Defendant. Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must now register for Pro Hac Vice access through your PACER account. <b>This is the only notice you will receive concerning this requirement. You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system.</b> Step-by-step instructions on how to complete this process are available at <a href="http://www.nynd.uscourts.gov/attorney-admissions-nextgen">http://www.nynd.uscourts.gov/attorney-admissions-nextgen</a> . Signed by Magistrate Judge Daniel J. Stewart on 6/3/2020. (mab) (Entered: 06/03/2020)
06/11/2020	<u>28</u>	STATUS REPORT by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 06/11/2020)

07/30/2020	<u>29</u>	Letter Motion from Leigh Hoffman, Esq. for RUFSTR Racing, LLC, Kenneth E. Salamone requesting Extension to Submit Motions submitted to Judge Hon. Daniel J. Stewart . (Hoffman, Leigh) (Entered: 07/30/2020)
07/30/2020	<u>30</u>	TEXT ORDER granting <u>29</u> Letter Request. The deadline for filing dispositive motions is extended to October 2, 2020. Signed by Magistrate Judge Daniel J. Stewart on 7/30/2020. (gjr) (Entered: 07/30/2020)
10/01/2020	<u>31</u>	MOTION for Summary Judgment Motion Hearing set for 11/3/2020 10:00 AM in Albany before U.S. District Judge Mae A. D'Agostino Response to Motion due by 10/19/2020 Reply to Response to Motion due by 10/23/2020. filed by Kenneth E. Salamone. (Attachments: # <u>1</u> Statement of Material Facts In Support of Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56, # <u>2</u> Affidavit of Kenneth Salamone in Support of Motion for Summary Judgment, # <u>3</u> Exhibit(s) A, # <u>4</u> Exhibit(s) B, # <u>5</u> Exhibit(s) C, # <u>6</u> Exhibit(s) D, # <u>7</u> Exhibit(s) E, # <u>8</u> Exhibit(s) F, # <u>9</u> Exhibit(s) G, # <u>10</u> Exhibit(s) H, # <u>11</u> Exhibit(s) I, # <u>12</u> Exhibit(s) J, # <u>13</u> Exhibit(s) K, # <u>14</u> Exhibit(s) L, # <u>15</u> Exhibit(s) M, # <u>16</u> Exhibit(s) N, # <u>17</u> Exhibit(s) O, # <u>18</u> Exhibit(s) P, # <u>19</u> Exhibit(s) Q, # <u>20</u> Exhibit(s) R, # <u>21</u> Exhibit(s) S, # <u>22</u> Exhibit(s) T, # <u>23</u> Exhibit(s) U, # <u>24</u> Exhibit(s) V, # <u>25</u> Exhibit(s) W, # <u>26</u> Exhibit(s) X, # <u>27</u> Exhibit(s) Y, # <u>28</u> Exhibit(s) Z, # <u>29</u> Exhibit(s) AA, # <u>30</u> Exhibit(s) BB, # <u>31</u> Exhibit(s) CC, # <u>32</u> Exhibit(s) DD, # <u>33</u> Exhibit(s) EE, # <u>34</u> Exhibit(s) FF, # <u>35</u> Declaration of Leigh A. Hoffman In Support of Motion for Summary Judgment, # <u>36</u> Exhibit(s) A, # <u>37</u> Exhibit(s) B, # <u>38</u> Exhibit(s) C, # <u>39</u> Exhibit(s) D, # <u>40</u> Exhibit(s) E, # <u>41</u> Exhibit(s) F, # <u>42</u> Exhibit(s) G, # <u>43</u> Exhibit(s) H, # <u>44</u> Exhibit(s) I, # <u>45</u> Exhibit(s) J, # <u>46</u> Exhibit(s) K, # <u>47</u> Exhibit(s) L, # <u>48</u> Exhibit(s) M, # <u>49</u> Exhibit(s) N, # <u>50</u> Exhibit(s) O, # <u>51</u> Exhibit(s) P, # <u>52</u> Exhibit(s) Q, # <u>53</u> Exhibit(s) R, # <u>54</u> Exhibit(s) S, # <u>55</u> Exhibit(s) T, # <u>56</u> Exhibit(s) U, # <u>57</u> Exhibit(s) V, # <u>58</u> Exhibit(s) W, # <u>59</u> Exhibit(s) X, # <u>60</u> Exhibit(s) Y, # <u>61</u> Affidavit Affidavit of Jason Saris, # <u>62</u> Memorandum of Law Memorandum of Law in Support of Plaintiff's Motion for Partial Summary Judgment Pursuant to Fed. R. Civ. P. 56) (Hoffman, Leigh) (Main Document 31 replaced on 10/2/2020) (map). (Attachment 32 replaced on 10/2/2020) (map). (Attachment 49 replaced on 10/2/2020) (map). (Attachment 52 replaced on 10/2/2020) (map). Clerk replaced Main Document <u>31</u> with corrected document. Court header was incorrectly stated in original document. Clerk replaced document numbers: # <u>32</u> Exhibit(s) DD, and # <u>49</u> Exhibit(s) N, # <u>52</u> Exhibit(s) Q. Original attached documents required redaction due to personal identifiers. Modified on 10/2/2020 (map). (Entered: 10/01/2020)
10/02/2020	<u>32</u>	AFFIDAVIT of Service of <i>Notice of Motion for Partial Summary Judgment and Accompanying Documents and Exhibits</i> , filed by Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 10/02/2020)
10/02/2020		CLERK'S CORRECTION OF DOCKET ENTRY: Regarding <u>31</u> Motion for Summary Judgment. Clerk replaced Main Document <u>31</u> with corrected document. Court header was incorrectly stated in original document and required correction from Plaintiff's counsel. Clerk replaced document numbers: # <u>32</u> Exhibit(s) DD, # <u>49</u> Exhibit(s) N, and # <u>52</u> Exhibit(s) Q. Original attached documents required redaction due to personal identifiers. Modified on 10/2/2020 (map) (Entered: 10/02/2020)
10/16/2020	<u>33</u>	RESPONSE in Opposition re <u>31</u> MOTION for Summary Judgment <i>Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment</i> filed by Douglas Marine Corporation. (Attachments: # <u>1</u> Defendant's Response in Opposition to Plaintiffs' Statement of Material Facts, # <u>2</u> Declaration of Peter C. Hledin, # <u>3</u> Declaration of Anthony Cutsuris)(Hallak, Elliot) (Entered: 10/16/2020)
10/23/2020	<u>34</u>	REPLY to Response to Motion re <u>31</u> MOTION for Summary Judgment filed by Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 10/23/2020)
10/23/2020	<u>35</u>	AFFIDAVIT of Service for Reply Memorandum of Law In Further Support of Motion for

		Summary Judgment served on Elliot A. Hallak, Esq. on 10/23/20, filed by Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 10/23/2020)
10/26/2020	<u>36</u>	Letter Motion from Elliot A. Hallak for Douglas Marine Corporation requesting leave to file sur-reply submitted to Judge Mae A. D'Agostino . (Hallak, Elliot) (Entered: 10/26/2020)
10/27/2020	<u>37</u>	TEXT ORDER granting <u>36</u> Letter Request for leave to file a sur-reply: It is hereby ORDERED that the defendant's <u>36</u> letter request for leave to file a sur-reply is GRANTED; Defendant's sur-reply, not to exceed 3 pages, shall be filed on or before 10/30/20. Signed by U.S. District Judge Mae A. D'Agostino on 10/27/2020. (ban) (Entered: 10/27/2020)
10/30/2020	<u>38</u>	SUR-REPLY in Opposition regarding <u>31</u> MOTION for Summary Judgment <i>Defendant's Sur-Reply in Opposition to Plaintiffs' Motion for Partial Summary Judgment</i> filed by Douglas Marine Corporation. (Hallak, Elliot) Modified on 10/30/2020 (map). (Entered: 10/30/2020)
12/15/2020	<u>39</u>	MEMORANDUM-DECISION AND ORDER denying <u>31</u> Motion for Summary Judgment: The Court hereby ORDERS that Plaintiffs' motions for summary judgment (Dkt. No. 31) is DENIED; and the Court further ORDERS that the Clerk of the Court shall serve a copy of this Memorandum-Decision and Order on the parties in accordance with the Local Rules. Signed by U.S. District Judge Mae A. D'Agostino on 12/15/20. (ban) (Entered: 12/15/2020)
12/15/2020	<u>40</u>	TEXT ORDER: This case is trial ready. Due to the Covid Pandemic, Judge D'Agostino's civil jury trials have been curtailed. Once the Court resumes trials, Judge D'Agostino will be handling a congested trial calendar. Civil Trials dates will be set, without consultation with trial counsel. These dates will not be adjourned. For this reason, counsel are urged to permit younger attorneys to try some of these cases, to speak to clients and insurers about the need for these cases to proceed without delay, and to recognize that in addition to disposing of cases, senior partners will be allowing the future partners at their law firms to learn the art of advocacy. This will maintain our district's reputation for excellence in trial practice. Signed by U.S. District Judge Mae A. D'Agostino on 12/15/20. (ban) (Entered: 12/15/2020)
02/03/2021		TEXT NOTICE of Teleconference: A Telephone Pre-trial Conference is set for 2/10/2021 at 09:30 AM before U.S. District Judge Mae A. D'Agostino. The parties are directed to dial in at 1-877-336-1829, Access code 4142594, Security code 1234.(ban) (Entered: 02/03/2021)
02/10/2021		TEXT Minute Entry for Telephone Pre-Trial Conference held on 2/10/2021 before U.S. District Judge Mae A. D'Agostino: Appearances by Leigh Hoffman, Esq. for the Plaintiffs; Elliot Hallak, Esq. for the defendant; Judge D'Agostino addresses counsel regarding potential trial dates. Counsel inform the Court that the trial is expected to last 3-4 days; The jury trial is scheduled for April 19, 2021 at 9:30 a.m. in ALBANY before Judge D'Agostino; Counsel are encouraged to continue their settlement discussions and to stipulate to evidence, if possible; If the parties feel that it would be helpful for the Court to assist with settlement, counsel may contact Judge D'Agostino's or Judge Stewarts's Courtroom Deputy Clerk to get something scheduled; Judge D'Agostino addresses counsel regarding the breach of implied covenant of good faith and fair dealings claim - counsel inform the Court that they intend to brief the issue in their trial briefs. A jury trial notice will be filed. (Court Reporter Theresa Casal, CRD Britney Norton [Time 9:30 a.m. - 9:40 a.m.]) (ban) (Entered: 02/10/2021)
02/10/2021	<u>41</u>	JURY TRIAL NOTICE: The Jury Trial is set for 4/19/2021 at 09:30 AM in Albany before U.S. District Judge Mae A. D'Agostino; The Final Pretrial Conference is set for 4/9/2021

		at 01:30 PM in Albany before U.S. District Judge Mae A. D'Agostino - counsel should report in person for this conference; Pretrial Submissions/Motions in Limine are due by 4/5/2021; A response, if any, to motions in limine will be due 4/12/21. (ban) (Entered: 02/10/2021)
03/18/2021	<u>42</u>	NOTICE of Appearance by Daniel R. LeCours on behalf of Douglas Marine Corporation (LeCours, Daniel) (Entered: 03/18/2021)
04/05/2021	<u>43</u>	PRETRIAL STIPULATION ( <i>Joint</i> ) by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>44</u>	Exhibit List by RUFSTR Racing, LLC, Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 04/05/2021)
04/05/2021	<u>45</u>	Court Ordered Voir Dire by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>46</u>	Proposed Voir Dire by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>47</u>	Proposed Jury Instructions by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>48</u>	PROPOSED VERDICT FORM by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>49</u>	Exhibit List <i>Defendant's</i> by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>50</u>	Exhibit List ( <i>Joint</i> ) by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>51</u>	Witness List by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>52</u>	MOTION in Limine filed by Douglas Marine Corporation. Motion returnable before Judge Mae D'Agostino (Attachments: # <u>1</u> Memorandum of Law) (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>53</u>	TRIAL BRIEF by Douglas Marine Corporation. (Hallak, Elliot) (Entered: 04/05/2021)
04/05/2021	<u>54</u>	Court Ordered Voir Dire by RUFSTR Racing, LLC, Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 04/05/2021)
04/05/2021	<u>55</u>	Proposed Voir Dire by RUFSTR Racing, LLC, Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 04/05/2021)
04/05/2021	<u>56</u>	Proposed Jury Instructions by RUFSTR Racing, LLC, Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 04/05/2021)
04/05/2021	<u>57</u>	PROPOSED VERDICT FORM by RUFSTR Racing, LLC, Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 04/05/2021)
04/05/2021	<u>58</u>	Witness List by RUFSTR Racing, LLC, Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 04/05/2021)
04/05/2021	<u>59</u>	TRIAL BRIEF by RUFSTR Racing, LLC, Kenneth E. Salamone. (Hoffman, Leigh) (Entered: 04/05/2021)
04/07/2021	<u>60</u>	NOTICE of Appearance by Jason A. Little on behalf of RUFSTR Racing, LLC, Kenneth E. Salamone (Little, Jason) (Entered: 04/07/2021)
04/09/2021		TEXT Minute Entry for Final Pretrial Conference held in person on 4/9/2021 before U.S. District Judge Mae A. D'Agostino: Appearances by Jason Little, Esq. for the Plaintiff; Elliot Hallak, Esq. and Daniel LeCours, Esq. for the defendants; Judge D'Agostino

		<p>addresses counsel regarding the jury trial scheduled to begin on Monday, April 19, 2021. Covid Precautions, Jury Selection, trial practices and procedures, evidence, and the motion in limine are all discussed; Judge D'Agostino addresses counsel regarding the status of settlement discussions - counsel inform the Court that they are keeping settlement channels open, but are still far apart. Judge D'Agostino addresses each side with case specific questions. The plaintiff informs the Court that they are not objecting to defendant's motion in limine, and that they do not plan to call Jason Saris as an expert witness - he will only be called as a fact witness. The Court will address objections as they come, and make her rulings during trial. The Trial will begin on Monday, April 19, 2021 at 9:30 a.m. If counsel have any questions or concerns they are directed to reach out to chambers. (Court Reporter Lisa Tennyson, CRD Britney Norton [Time 1:30 p.m. - 2:11 p.m.]) (ban) Modified on 4/16/2021 (ban). (Entered: 04/09/2021)</p>
04/19/2021	<u>61</u>	Minute Entry for Jury Selection/Jury Trial (DAY 1) held on 4/19/2021 before U.S. District Judge Mae A. D'Agostino: Appearances Leigh Hoffman, Esq. and Jason Little, Esq. for the plaintiff; Elliot Hallak, Esq. and Daniel LeCours, Esq. for the defendants; A jury of 8 is seated and sworn; Evidence entered; Testimony begins; Trial will resume on Tuesday, April 20, 2021 at 9:00 a.m.(Court Reporter Lisa Tennyson, CRD Britney Norton) (ban) (Entered: 04/19/2021)
04/20/2021	<u>62</u>	Minute Entry for Jury Trial (DAY 2) held on 4/20/2021 before U.S. District Judge Mae A. D'Agostino: Appearances by Leigh Hoffman, Esq. and Jason Little, Esq. for the Plaintiff; Elliot Hallak, Esq. and Daniel LeCours, Esq. for the defendants; Evidence and testimony continues. Trial will resume on Wednesday, April 21, 2021 at 9:00 a.m. (Court Reporter Lisa Tennyson, CRD Britney Norton) (ban, ) Modified on 4/21/2021 (ban). (Entered: 04/20/2021)
04/21/2021	<u>63</u>	Minute Entry for Jury Trial (DAY 3) held on 4/21/2021 before U.S. District Judge Mae A. D'Agostino: Appearances by Leigh Hoffman, Esq. and Jason Little, Esq. for the plaintiff; Elliot Hallak, Esq. and Daniel LeCours, Esq. for the defendants; Testimony and Evidence is entered. The Plaintiff rests their case; The defendants make a motion for judgment as a matter of law - Judge D'Agostino Rules that plaintiffs First 3 claims are DISMISSED - claim for violation of NY General business law, claim for promissory estoppel and unjust enrichment, and claim for breach of covenant of good faith and fairdealings. The Court RESERVES on fraud, conversion, and breach of contract. The Defense Rests; Plaintiff makes a motion to dismiss affirmative defenses - the Court Reserves on that motion. Formal Charge conference to be held on Thursday, April 22, 2021 at 8:30 a.m. (Court Reporter Lisa Tennyson, CRD Britney Norton) (ban) (Entered: 04/21/2021)
04/22/2021	<u>64</u>	Minute Entry for Jury Trial (DAY 4) held on April 22, 2021 before U.S. District Judge Mae A. D'Agostino: Appearances by Leigh Hoffman, Esq. and Jason Little, Esq. for the Plaintiffs; Elliot Hallak, Esq. and Daniel LeCours, Esq. for the defendants; The Jury enters a verdict in favor of the plaintiffs. (Court Reporter Lisa Tennyson, CRD Britney Norton) (ban) (Entered: 04/22/2021)
04/22/2021	<u>65</u>	Jury Instructions. (Attachments: # <u>1</u> Verdict Form)(ban) (Entered: 04/22/2021)
04/22/2021	<u>66</u>	Jury Note No. 1/Court Exhibit No. 1 - the jury has reached a verdict (foreperson's name redacted). (ban) (Entered: 04/22/2021)
04/22/2021	<u>67</u>	JURY VERDICT in favor of plaintiffs, against the defendant (foreperson's name redacted). (ban) (Entered: 04/22/2021)
04/22/2021	<u>68</u>	Exhibit Lists - Joint, Plaintiffs, and Defendant's. All Exhibits returned to counsel at the conclusion of the jury trial. (Attachments: # <u>1</u> Plaintiff's Exhibit List, # <u>2</u> Defendant's Exhibit List)(ban) Modified on 4/22/2021 (ban). (Entered: 04/22/2021)

04/22/2021	<u>69</u>	JUDGMENT in favor of RUFSTR Racing, LLC, Kenneth E. Salamone against Douglas Marine Corporation. (Attachments: # <u>1</u> Appeal Notice) (ban) (Entered: 04/22/2021)
05/03/2021	<u>70</u>	TRANSCRIPT REQUEST by RUFSTR Racing, LLC, Kenneth E. Salamone for proceedings held on 4/22/2021 before Judge Hon. Mae A. D'Agostino.. (Little, Jason) (Entered: 05/03/2021)
05/07/2021	<u>71</u>	TRANSCRIPT REQUEST by RUFSTR Racing, LLC, Kenneth E. Salamone for proceedings held on 4/19/21-4/22/21 before Judge Hon. Mae A. D'Agostino.. (Hoffman, Leigh) (Entered: 05/07/2021)

<b>PACER Service Center</b>			
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05/18/2021 12:44:13			
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<b>Billable Pages:</b>	9	<b>Cost:</b>	0.90